

CHAPTER 2

The Constitution

REVIEWING THE CHAPTER

CHAPTER FOCUS

The purpose of this chapter is to introduce you to the historical context within which the U.S. Constitution was written and in particular to the colonists' quest for liberties they felt had been denied them under British rule. After reading and reviewing the material in this chapter, you should be able to do each of the following:

1. Compare the American and French Revolutions of the same era with respect to the ideals that motivated them.
2. Explain the notion of higher law by which the colonists felt they were entitled to certain natural rights. List these rights.
3. Discuss the Declaration of Independence as a lawyer's brief prepared for court argument of a case.
4. Compare what the colonists believed was a legitimate basis for government with what monarchies—such as that in Great Britain at the time—believed was a legitimate basis for government.
5. List and discuss the shortcomings of government under the Articles of Confederation.
6. Discuss the backgrounds of the writers of the Constitution, and explain why these men tended to be rather mistrustful of the notion of democracy.
7. Compare and contrast the Virginia and New Jersey plans, and show how they led to the Great Compromise.
8. Explain why the separation of powers and federalism became key parts of the Constitution. Hint: the Framers' intention was not to make the system more democratic, nor was it to make it more efficient.
9. Show how James Madison's notions of human nature played an important role in the framing of the Constitution.
10. Explain why the Constitution did not include a bill of rights. Then explain why one was added.
11. Explain why the Founders failed to address the question of slavery in a definitive way.
12. Discuss whether "women were left out of the Constitution."
13. Summarize Charles Beard's analysis of the economic motivations of the Framers and the counter-analyses of those who disagree with Beard.
14. List and explain the two major types of constitutional reform advocated today, along with specific reform measures.

STUDY OUTLINE

- I. Introduction
- II. The problem of liberty
 - A. The colonial mind
 - 1. Belief that because British politicians were corrupt, the English constitution was inadequate
 - 2. Belief in higher law of natural rights
 - a) Life
 - b) Liberty
 - c) Property (Jefferson notwithstanding)
 - 3. A war of ideology, not economics
 - 4. Specific complaints against George III for violating inalienable rights
 - B. The “real” revolution
 - 1. The “real” revolution was the radical change in belief about what made authority legitimate and liberties secure
 - 2. Government by consent, not by prerogative
 - 3. Direct grant of power: written constitution
 - 4. Human liberty before government
 - 5. Legislature superior to executive branch
 - C. Weaknesses of the Confederation
 - 1. Could not levy taxes or regulate commerce
 - 2. Sovereignty, independence retained by states
 - 3. One vote in Congress for each state
 - 4. Nine of thirteen votes in Congress required for any measure
 - 5. Delegates picked, paid for by legislatures
 - 6. Little money coined by Congress
 - 7. Army small; dependent on state militias
 - 8. Territorial disputes between states
 - 9. No national judicial system
 - 10. All thirteen states’ consent necessary for any amendments
- III. The Constitutional Convention
 - A. The lessons of experience
 - 1. State constitutions
 - a) Pennsylvania: too strong, too democratic
 - b) Massachusetts: too weak, less democratic
 - 2. Shays’s Rebellion led to the fear the states were about to collapse
 - B. The Framers
 - 1. Who came: men of practical affairs
 - 2. Who did not come
 - 3. Intent to write an entirely new constitution
 - 4. Lockean influence
 - 5. Doubts that popular consent could guarantee liberty
 - 6. Results: “a delicate problem”; need strong government for order but one that would not threaten liberty
 - a) Democracy of that day not the solution
 - b) Aristocracy not a solution either
 - c) Government with constitutional limits no guarantee against tyranny
- IV. The challenge
 - A. The Virginia Plan
 - 1. Design for a true national government

2. Two houses in legislature
 3. Executive chosen by legislature
 4. Council of revision with veto power
 5. Two key features of the plan
 - a) National legislature with supreme powers
 - b) One house elected directly by the people
- B. The New Jersey Plan
1. Sought to amend rather than replace the Articles
 2. Proposed one vote per state
 3. Protected small states' interests
- C. The compromise
1. House of Representatives based on population
 2. Senate of two members per state
 3. Reconciled interests of big and small states
 4. Committee of detail
- V. The Constitution and democracy
- A. Founders did not intend to create pure democracy
1. Physical impossibility in a vast country
 2. Mistrust of popular passions
 3. Intent instead to create a republic with a system of representation
- B. Popular rule only one element of the new government
1. State legislators to elect senators
 2. Electors to choose president
 3. Two kinds of majorities: voters and states
 4. Judicial review another limitation
 5. Amendment process
- C. Key principles
1. Separation of powers
 2. Federalism
 3. Resulting powers
 - a) Enumerated powers: those exclusively given or delegated to federal government
 - b) Reserved powers: those given exclusively to the states
 - c) Concurrent powers: those shared by both the national and state governments
- D. Government and human nature
1. Aristotelian view: government should improve human nature by cultivating virtue
 2. Madisonian view: cultivation of virtue would require a government too strong, too dangerous; self-interest should be freely pursued
 3. Federalism enables one level of government to act as a check on the other
- E. The Constitution and liberty
- F. Whether constitutional government was to respect personal liberties is a difficult question; ratification by conventions in at least nine states a democratic feature but a technically illegal one
- G. The Antifederalist view
1. Liberty could be secure only in small republics
 - a) In big republics, national government would be distant from people
 - b) Strong national government would use its powers to annihilate state functions
 2. There should be many more restrictions on government
 3. Madison's response: personal liberty safest in large ("extended") republics
 - a) Coalitions likely more moderate there
 - b) Government should be somewhat distant to be insulated from passions.

4. Reasons for the absence of a bill of rights
 - a) Several guarantees in the Constitution
 - (1) *Habeas corpus*
 - (2) No bill of attainder
 - (3) No ex post facto law
 - (4) Trial by jury
 - (5) Privileges and immunities
 - (6) No religious tests
 - (7) Obligation of contracts
 - b) Most states had bills of rights
 - c) Intent to limit federal government to specific powers

- H. Need for a bill of rights
 1. Ratification impossible without one
 2. Promise by key leaders to obtain one
 3. Bitter ratification narrowly successful

VI. The Constitution and slavery

- A. Slavery virtually unmentioned
- B. Apparent hypocrisy of Declaration signers
- C. Necessity of compromise: otherwise no ratification
 1. Sixty percent of slaves counted for representation
 2. No slavery legislation possible before 1808
 3. Escaped slaves to be returned to masters
- D. Legacy: Civil War, continuing problems

VII. The motives of the Framers

- A. Acted out of a mixture of motives; economic interests played modest role
- B. Economic interests of Framers varied widely
 1. Beard: those who owned governmental debt supported Constitution
 2. However, no clear division along class lines found
 3. Recent research: state considerations outweighed personal considerations; exception: slaveholders
- C. Economic interests and ratification
 1. Played larger role in state ratifying conventions
 2. In favor: merchants, urbanites, owners of western land, holders of government IOUs, non-slave owners
 3. Opposed: farmers, people who held no IOUs, slaveowners
 4. But remarkably democratic process because most could vote for delegates
 5. Federalists versus Antifederalists on ideas of liberty
- D. The Constitution and equality
 1. Critics: government today is too weak
 - a) Bows to special interests
 - b) Fosters economic inequality
 - c) Liberty and equality are therefore in conflict
 2. Framers more concerned with political inequality; weak government reduces political privilege

VIII. Constitutional reform—modern views

- A. Reducing the separation of powers to enhance national leadership
 1. Urgent problems remain unresolved
 2. President should be more powerful, accountable, to produce better policies.
 3. Government agencies exposed to undue interference

4. Proposals
 - a) Choose cabinet members from Congress
 - b) Allow president to dissolve Congress
 - c) Empower Congress to require special presidential election
 - d) Require presidential/congressional terms
 - e) Establish single six-year term for president
 - f) Lengthen terms in House to four years
 5. Contrary arguments: results uncertain, worse
- B. Making the system less democratic
1. Government does too much, not too little
 2. Attention to individual wants over general preferences
 3. Proposals
 - a) Limit amount of taxes collectible
 - b) Require a balanced budget
 - c) Grant president a true line-item veto
 - (1) A power held by most state governors
 - (2) 1996 Act signed by President Clinton
 - (3) Law declared unconstitutional by the Supreme Court
 - (4) 2006 proposal by President Bush
 - d) Narrow authority of federal courts
 4. Contrary arguments: unworkable or open to evasion
- C. Who is right?
1. Decide nothing now
 2. Crucial questions
 - a) How well has it worked in history?
 - b) How well has it worked in comparison with other constitutions?

KEY TERMS MATCH

Set 1

Match the following terms and descriptions:

- | | |
|---|--------------------------------|
| 1. A set of principles, either written or unwritten, that makes up the fundamental law of the state | a. Articles of Confederation |
| 2. Rights of all human beings that are ordained by God, discoverable in nature and history, and essential to human progress | b. Bill of Rights |
| 3. Individual who refused to attend the Constitutional Convention because he “smelled a rat” | c. Charles A. Beard |
| 4. A document written in 1776 declaring the colonists’ intention to throw off British rule | d. coalition |
| 5. The government charter of the states from 1776 until the Constitution of 1787 | e. concurrent powers |
| | f. Constitution |
| | g. Constitutional Convention |
| | h. Declaration of Independence |
| | i. enumerated powers |
| | j. faction |
| | k. federalism |
| | l. <i>Federalist</i> papers |

- 6. An alliance of factions
- 7. Based on nature or God.
- 8. A meeting of delegates in Philadelphia in 1787 charged with drawing up amendments to the Articles of Confederation
- 9. Powers that are given exclusively to the states
- 10. A governing document considered to be highly democratic yet with a tendency toward tyranny as the result of concentrating all powers in one set of hands
- 11. A state constitution with clear separation of powers but considered to have produced too weak a government
- 12. An armed attempt by Revolutionary War veterans to avoid losing their property by preventing the courts in western Massachusetts from meeting
- 13. Those powers that are shared by both the national and state governments
- 14. A British philosopher whose ideas on civil government greatly influenced the Founders
- 15. A series of political tracts that explained many of the ideas of the Founders
- 16. A constitutional proposal that the smaller states' representatives feared would give permanent supremacy to the larger states
- 17. A constitutional proposal that would have given each state one vote in a new congress
- 18. Author of the Declaration of Independence
- 19. A constitutional proposal that made membership in one house of Congress proportional to each state's population and membership in the other equal for all states
- 20. A group with a distinct political interest
- m. Great Compromise
- n. Patrick Henry
- o. Thomas Jefferson
- p. John Locke
- q. James Madison
- r. Massachusetts Constitution
- s. natural rights
- t. New Jersey Plan
- u. Pennsylvania Constitution
- v. reserved powers
- w. separation of powers
- x. Shays's Rebellion
- y. unalienable
- z. Virginia Plan

21. A constitutional principle separating the personnel of the legislative, executive, and judicial branches of government
22. A constitutional principle reserving separate powers to the national and state levels of government
23. A principal architect of the Constitution who felt that a government powerful enough to encourage virtue in its citizens was too powerful
24. First ten amendments to the Constitution
25. Those powers that are given to the national government exclusively
26. A historian who argued that the Founders were largely motivated by the economic advantage of their class in writing the Constitution

Set 2

Match the following terms and descriptions:

1. A meeting of delegates in 1778 to revise the Articles of Confederation
 2. The power of the legislative, executive, and judicial branches of government to block some acts by the other two branches
 3. A form of democracy in which leaders and representatives are selected by means of popular competitive elections
 4. An alliance between different interest groups or parties to achieve some political goal
 5. Rights thought to be based on nature and providence rather than on the preferences of people
 6. Change in, or addition to, a constitution
 7. A group of people sharing a common interest who seek to influence public policy for their collective benefit
- a. Amendment (constitutional)
 - b. Antifederalists
 - c. bill of attainder
 - d. Bill of Rights
 - e. checks and balances
 - f. coalition
 - g. confederation
 - h. Constitutional Convention
 - i. ex post facto law
 - j. faction
 - k. *Federalist* papers
 - l. Federalists
 - m. judicial review
 - n. line-item veto
 - o. Madisonian view of human nature

8. The power of the courts to declare acts of the legislature and of the executive unconstitutional and therefore null and void p. republic
q. inalienable rights
r. writ of *habeas corpus*
9. The first ten amendments to the U.S. Constitution
10. A series of eighty-five essays published in New York newspapers to convince New Yorkers to adopt the newly proposed Constitution
11. Supporters of a stronger central government who advocated ratification of the Constitution and then founded a political party
12. The power of an executive to veto some provisions in an appropriations bill while approving others
13. Those who opposed giving as much power to the national government as the Constitution did, favoring instead stronger states' rights
14. A law that would declare a person guilty of a crime without a trial
15. A law that would declare an act criminal after the act was committed
16. A philosophy holding that accommodating individual self-interest provided a more practical solution to the problem of government than aiming to cultivate virtue
17. An agreement among sovereign states that delegates certain powers to a national government
18. A court order requiring police officials to produce an individual held in custody and show sufficient cause for that person's detention

DATA CHECK

North America in 1787 (Page 20)

1. How clear was it, in 1787, that the destiny of most of North America was to become English speaking and dominated by the United States?

Ratification of the Federal Constitution by State Conventions, 1787–1790 (Page 31)

2. How many states were strongly in favor of the Constitution and ratified it early?

3. Generalize about the geographic location of the states which were strongly in favor of the Constitution and ratified it early.

4. Generalize about the geographic location of the states which initially opposed the Constitution or ratified it initially after a “close struggle.”

PRACTICING FOR EXAMS

TRUE/FALSE QUESTIONS

Read each statement carefully. Mark true statements *T*. If any part of the statement is false, mark it *F*, and write in the space provided a concise explanation of why the statement is false.

1. T F The delegates to the Philadelphia convention were not popularly elected.

2. T F The American and French Revolutions of the late 1700s were both fought for the ideals of liberty, fraternity, and equality.

3. T F The British Constitution was not a single written document.

4. T F Commonly listed among the natural rights to which colonists felt entitled were life, liberty, and the pursuit of happiness.

5. T F The Declaration of Independence contained more paragraphs naming specific complaints against the king than paragraphs announcing the goals of the Revolution.
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6. T F Revolutionary colonists rejected the notion that the king of England had a natural prerogative to be their legitimate ruler.
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7. T F Revolutionary colonists largely held that the legislative branch of government should have a greater share of governmental power than the executive.
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8. T F The eleven years that elapsed between the Declaration of Independence and the signing of the Constitution were years of turmoil, uncertainty and fear.
-
9. T F Under the Articles of Confederation the national government levied relatively modest taxes on the people.
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10. T F The Articles required nine votes for the passage of any measure.
-
11. T F John Hancock was elected president in 1785 but never showed up to take the job.
-
12. T F There was no national judicial system under the Articles of Confederation.
-
13. T F George Washington and Alexander Hamilton were strong supporters of the Articles of Confederation.
-
14. T F The Constitutional Convention lasted about one month.
-
15. T F The Pennsylvania state constitution was the most radically democratic.
-
16. T F Shays's Rebellion may have encouraged some delegates to meet in Philadelphia who may not have otherwise.
-
17. T F Rhode Island refused to send a delegate to Philadelphia.
-
18. T F Most of the Framers of the Constitution were experienced in government and were in their fifties or sixties.
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19. T F Thomas Jefferson and John Adams did not attend the Philadelphia Convention.
-
20. T F The Constitution of the United States is the world's oldest written national constitution still in operation.
-
21. T F The Virginia Plan appeared to favor the larger states, whereas the New Jersey Plan was more acceptable to the smaller ones.
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22. T F When the first decisive vote of the Convention was taken, the New Jersey Plan was favored over the Virginia Plan.
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23. T F The Great Compromise is sometimes called the Connecticut Compromise.
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24. T F James Madison enthusiastically supported the Great Compromise.
-
25. T F The Great Compromise, which essentially saved the Convention from collapsing, was directly opposed by, or not supported by, the votes of eight of the thirteen states.
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26. T F The author of the Virginia Plan refused to sign the Constitution.
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27. T F At the time of the Convention, most European systems spread authority between state and national governments.
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28. T F The power to declare war would be a proper example of an "enumerated" power.
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29. T F The power to issue licenses and to regulate commerce within a state would be proper examples of powers that are "reserved."
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30. T F The Founders assumed most people would seek their own advantage and that some would exploit others in the pursuit of self-interest.
-
31. T F James Madison, like Aristotle, thought that government had an obligation to cultivate virtue among those who were governed.
-
32. T F The Framers considered the dispersion of power at both the state and federal levels to be a kind of "double security" to the rights of the people.
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33. T F To be in effect, the Constitution had to be approved by ratifying conventions in all thirteen states.
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34. T F The Constitution was initially rejected by ratifying conventions in two states.
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35. T F The text suggests that many of the major fears and dour predictions of the Antifederalists turned out to be correct.
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36. T F *Federalist No. 51* argues that coalitions in large republics tend to be less moderate.
-
37. T F The possible addition of a bill of rights was never considered at the Constitutional Convention.
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38. T F At the time of the Convention, most state constitutions contained bills of rights.
-
39. T F The Constitution did not contain a bill of rights originally, in part because the Founders did not believe that the national government would be able to infringe on those rights already protected in such bills.
-
40. T F The evidence suggests the personal economic circumstances of the Framers influenced their decisionmaking more than the interests of the states they were supposed to represent.
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MULTIPLE CHOICE QUESTIONS

Circle the letter of the response that best answers the question or completes the statement.

1. The goal of the American Revolution was
 - a. equality.
 - b. stability.
 - c. fairness.
 - d. liberty.
 - e. fraternity.
2. The colonists believed that most politicians tended to be
 - a. aristocratic.
 - b. idealistic.
 - c. benevolent.
 - d. corrupt.
 - e. incompetent.

3. The colonists fought to protect liberties that they believed were
 - a. discoverable in nature and history.
 - b. based on a “higher law.”
 - c. essential to human progress.
 - d. ordained by God.
 - e. all of the above.
4. When he wrote the Declaration of Independence, Thomas Jefferson replaced _____ with “the pursuit of happiness.”
 - a. life
 - b. property
 - c. justice
 - d. liberty
 - e. equality
5. At the time of the American Revolution, most citizens were
 - a. self-employed.
 - b. indentured servants.
 - c. highly literate.
 - d. propertyless.
 - e. concerned with economic rather than political issues.
6. The essential complaints itemized in the Declaration of Independence are remarkable because
 - a. each had been primary features in other revolutions.
 - b. they were never actually mentioned to the King.
 - c. most of the colonists were unable to understand them.
 - d. none spoke of social or economic conditions in the colonies.
 - e. Jefferson got most of the material from Washington and Adams.
7. An “unalienable” right is
 - a. supported by a majority of any society.
 - b. created by legislators.
 - c. based in a written constitution.
 - d. without restriction.
 - e. based on nature and Providence.
8. The colonists new vision of government insisted that
 - a. the executive branch be superior to the legislative branch.
 - b. the judicial branch be superior to the legislative branch.
 - c. the branches of government be unified.
 - d. each branch of government be equal.
 - e. the legislative branch be superior to the executive branch.
9. One notable feature of colonial governments by 1776 was the presence of
 - a. weak governors.
 - b. authority in community groups and local organizations.
 - c. bicameral legislatures.
 - d. elected judges who could be removed from office by people.
 - e. written constitutions with detailed bills of rights.

10. The Articles of Confederation attempted to create
 - a. a league of friendship among the states.
 - b. a centralized government.
 - c. a strong state commitment to the national government.
 - d. weak state governments.
 - e. none of the above.
11. Under the Articles, Congress had the power to
 - a. make peace.
 - b. coin money.
 - c. appoint key army officers.
 - d. run the post office.
 - e. all of the above.
12. All of the following were true of the government under the Articles *except*
 - a. each state had one vote in Congress.
 - b. the national government could not regulate commerce.
 - c. the national government could not levy taxes.
 - d. there was no national judicial branch.
 - e. amendments required the support of nine of thirteen states.
13. The critical meeting that was scheduled by those who met at George Washington's house and later held at Annapolis, Maryland, focused on the topic of
 - a. the quartering of soldiers.
 - b. naval defense.
 - c. trade regulation.
 - d. qualifications for citizenship.
 - e. the official recognition of several new colonies.
14. The original purpose of the Constitutional Convention was to
 - a. draw up a bill of rights.
 - b. discuss regulations on intrastate commerce.
 - c. levy taxes.
 - d. build an army.
 - e. revise the Articles of Confederation.
15. What influential Founder concluded history — to that point in time — provided no truly desirable model of government?
 - a. John Adams
 - b. Alexander Hamilton
 - c. George Washington
 - d. James Madison
 - e. Patrick Henry
16. French political pundits and Thomas Paine praised the state constitution of Pennsylvania because it was radically
 - a. centralized.
 - b. democratic.
 - c. legalistic.
 - d. monarchical.
 - e. elitist.

17. Shays's Rebellion stirred the fears of some that state governments were
 - a. becoming too powerful.
 - b. about to collapse.
 - c. controlled by British interests.
 - d. opposed to liberty.
 - e. seeking independence.
18. Thomas Jefferson responded to the news of the Rebellion by noting
 - a. it was the logical result of the American Revolution.
 - b. no such problems were likely to occur again.
 - c. a little rebellion now and then is a good thing.
 - d. confederations are always plagued by such disturbances.
 - e. dissenters should be arrested and jailed as soon as possible.
19. The Philadelphia Convention attracted about ____ delegates from the states.
 - a. 12
 - b. 30
 - c. 39
 - d. 55
 - e. 74
20. About ____ of the delegates at the Convention participated regularly.
 - a. 12
 - b. 30
 - c. 39
 - d. 55
 - e. 74
21. The majority of the delegates to the Constitutional Convention were
 - a. veterans of the Continental Army.
 - b. lawyers.
 - c. governors.
 - d. doctors.
 - e. intellectuals.
22. The text suggests some names made famous by the Revolution were conspicuously absent from the Convention, including
 - a. Thomas Jefferson.
 - b. John Adams.
 - c. Patrick Henry.
 - d. Samuel Adams.
 - e. all of the above.
23. The various speeches given by the delegates at the Convention are known to us from
 - a. an official report provided to Congress.
 - b. newspaper reports and a series of leaks throughout the summer.
 - c. detailed notes kept by Madison.
 - d. a variety of speeches made by Alexander Hamilton.
 - e. the personal diaries of Benjamin Franklin.

24. The delegates to the Constitutional Convention shared a commitment to
 - a. democracy.
 - b. equality.
 - c. fraternity.
 - d. liberty.
 - e. competition.
25. When John Locke theorized about the “state of nature,” he was speculating about a period of time when
 - a. there was no private ownership of property.
 - b. governments had legislative powers, but no executive.
 - c. power was equally divided and there was no “instinct” for self-preservation.
 - d. the people freely consented to detailed restrictions of their natural rights.
 - e. there were societies, but no governments.
26. The philosophy of John Locke strongly supported the idea that
 - a. government ought to be limited.
 - b. property rights should be subordinated to human rights.
 - c. the state of nature was without flaw.
 - d. reason is an inadequate guide in establishing a political order.
 - e. equality of goods and income is necessary to political order.
27. The Pennsylvania experience led the Framers to be concerned about the tyranny of
 - a. lawyers.
 - b. the executive.
 - c. the judiciary.
 - d. the legislature.
 - e. the majority.
28. To many conservatives in the late eighteenth century, democracy meant
 - a. political equality.
 - b. mob rule.
 - c. stability.
 - d. liberty and justice.
 - e. quality representation through competitive elections.
29. In the *Federalist* papers, Madison quipped that government would not be “necessary” if
 - a. men were angels.
 - b. laws were memorized.
 - c. aristocrats labored in the field with commoners.
 - d. Americans were not so stubborn.
 - e. the King had no army.
30. The presiding officer at the Constitutional Convention was
 - a. James Madison.
 - b. Benjamin Franklin.
 - c. Patrick Henry.
 - d. George Washington.
 - e. Thomas Jefferson.

31. Supporters of a strong national government favored the
 - a. Virginia Plan.
 - b. New Jersey Plan.
 - c. Georgia Plan.
 - d. Rhode Island Plan.
 - e. Pennsylvania Plan.
32. All of the following were features of the Virginia Plan *except*
 - a. the government was divided into three major branches.
 - b. the national legislature was divided into two houses.
 - c. each state had one vote in the national legislature.
 - d. the executive was chosen by the national legislature.
 - e. one house of the legislature was elected directly by the people.
33. The high degree of contentiousness at the Convention was evident in the fact that Benjamin Franklin suggested beginning each meeting with
 - a. prayer.
 - b. hand shaking.
 - c. the sharing of positive experiences.
 - d. informal chat.
 - e. a formal pledge to be civil.
34. The Great Compromise
 - a. required Supreme Court justices to be confirmed by the Senate.
 - b. based House representation on population and Senate population on equality.
 - c. solved the conflict between those who wanted a powerful House and those who did not.
 - d. provided that the president be selected by the electoral college.
 - e. dealt with, without mentioning by name, "slavery."
35. The Constitution called for Senators to be
 - a. elected by the people.
 - b. selected by members of the House.
 - c. selected by the previous administration.
 - d. chosen by the electoral college.
 - e. selected by the state legislatures.
36. The Great Compromise was supported by the votes of delegates from _____ states.
 - a. 13
 - b. 12
 - c. 10
 - d. 5
 - e. 2
37. Before a committee created the electoral college, convention delegates suggested the president be
 - a. chosen by Congress.
 - b. chosen by the state legislatures.
 - c. selected by members of the Supreme Court.
 - d. elected directly by the people.
 - e. A and D.

38. With regard to the power of judicial review, the text suggests
- few scholars have ever doubted the widespread support for this power at the Convention.
 - it is not clear whether the Framers intended the Supreme Court to have such a power.
 - only state courts can exercise the power in relation to federal laws.
 - the Constitution explicitly grants this power to the federal courts alone.
 - the Constitution explicitly granted this power to local courts alone.
39. All of the following statements regarding the amendment process are correct *except*
- amendments can only be proposed by the Senate.
 - Congress can call a National Convention at the request of two-thirds of the states.
 - amendments must be ratified by three-fourths of the states.
 - states may ratify amendments through their legislatures or special ratifying conventions.
 - almost all amendments to date have been proposed by Congress and ratified by state legislatures.
40. The American version of representative democracy was based on two major principles:
- self-interest and institutionalism.
 - separation of powers and federalism.
 - commerce and competition.
 - liberty and equality.
 - unification and centralism.
41. The power to print money would be an example of a(n) “_____ power.”
- enumerated
 - reserved
 - concurrent
 - dispositive
 - partitioned
42. Powers that are exclusively given the states are referred to as “_____ powers.”
- enumerated
 - reserved
 - concurrent
 - dispositive
 - partitioned
43. The power to collect taxes would be an example of a(n) “_____ power.”
- enumerated
 - reserved
 - concurrent
 - dispositive
 - partitioned
44. The Antifederalists are best described as
- nationalists.
 - radicals.
 - neo-institutionalists.
 - Framers.
 - states' righters.

45. The *Federalist* papers were written
- at the suggestion of Benjamin Franklin.
 - to explain democracy to European governments.
 - to help win ratification of the Constitution in New York.
 - principally by Madison and Jefferson.
 - principally by John Jay.
46. Which of the following liberties was included in the Constitution before the Bill of Rights was added?
- Habeas corpus*.
 - Freedom of speech.
 - Right to petition the government for redress of grievances.
 - Right to bear arms.
 - Protection from double jeopardy.
47. In the Constitution, slavery was
- not specifically mentioned.
 - recognized as a necessary institution.
 - outlawed after twenty years.
 - denounced as inhuman.
 - expressly permitted in the South.
48. Sophisticated statistical analysis of the voting behavior of the Framers of the Constitution suggests
- they generally pursued the interests of wealthy land owners and businessmen.
 - they generally acted in a manner to protect the interests of the poor.
 - they consciously ignored the interests of the commercial classes.
 - they generally represented the interests of their respective states.
 - they consciously ignored the interests of the slaveowners.
49. Those who favor reforming the Constitution by lessening the separation of powers between the branches often draw their inspiration from the model of
- Germany.
 - the Articles of Confederation.
 - Great Britain.
 - France.
 - the United Nations.
50. Women are specifically mentioned in the original Constitution
- in the “privileges and immunities” clause [Art. IV].
 - under qualifications for office [Art. I].
 - in language regarding treason [Art. III].
 - in Article I, Section 8, Clause 3.
 - nowhere.
51. No women voted in state elections in the United States until
- 1838, in Kentucky school board elections.
 - 1869, in territorial elections in Wyoming.
 - the ratification of the Fifteenth Amendment in 1875.
 - The Great Panic of 1872.
 - the ratification of the Twentieth Amendment in 1920.

ESSAY QUESTIONS

Practice writing extended answers to the following questions. These test your ability to integrate and express the ideas that you have been studying in this chapter.

1. Describe the state of things during the eleven years between the Declaration of Independence and the Constitution.
2. Identify some of the government's major structural features and power arrangements under the Articles and note some aspects of the government which might reasonably have been "weaknesses."
3. Describe what happened in Shays's Rebellion and discuss its impact.
4. Summarize the basic views of John Locke in regard to the state of nature, government and liberty.
5. Compare and contrast the Virginia and New Jersey Plans.
6. What are some aspects of our government which suggest popular rule was to be only one element of the new government?
7. Identify and explain the three categories of governmental powers in this country.
8. Identify eight examples of checks and balances in our system of government. In doing so, identify both the branch of government that has the check and which branch of government which is checked.
9. Describe Madison's view of the relationship between human nature and government. Also identify two aspects of the new government which he considered most relevant to the topic.
10. Explain Madison's view of the relationship between liberty and the size of a republic.
11. What are three reasons why the Constitution signed in Philadelphia did not contain a bill of rights?
12. Summarize Charles Beard's view of the Constitutional Convention and what subsequent research on the topic has concluded.
13. What are four to five suggestions that might be made in order to reduce the separation of powers in our system of government.

ANSWERS TO KEY TERMS MATCH QUESTIONS**Set 1**

1. f
2. s
3. n
4. h
5. a
6. d
7. y
8. g
9. v
10. u
11. r
12. x
13. e
14. p
15. l
16. z
17. t
18. o
19. m
20. j
21. w
22. k
23. q
24. b
25. i
26. c

Set 2

1. h
2. e
3. p
4. f

5. q
6. a
7. j
8. m
9. d
10. k
11. l
12. n
13. b
14. c
15. i
16. o
17. g
18. r

ANSWERS TO DATA CHECK QUESTIONS

1. Not at all clear.
2. Four.
3. All four are in the Northeast. They are somewhat small in size and a significant portion of their boundaries are coastal lines.
4. These states are distributed throughout the map, North to South and East to West and there are many more of them. They are a diverse group.

ANSWERS TO TRUE/FALSE QUESTIONS

1. T
2. F The primary goal of the American Revolution was liberty.
3. T
4. F The list would have included life, liberty and property.
5. T
6. T
7. T
8. T
9. F The national government had no power to tax under the Articles.
10. T
11. T
12. T

13. F Washington and Hamilton were both advocates of a strong national government, the kind which simply did not exist under the Articles.
14. F It lasted about four months.
15. T
16. T
17. T
18. F The Framers had amazing levels of political experience but were relatively young.
19. T
20. T
21. T
22. F The first vote favored the Virginia Plan.
23. T
24. F Madison opposed the Compromise.
25. T
26. T
27. F At the times, most European systems were unitary.
28. T
29. T
30. T
31. F Madison felt that the only way that a government could accomplish that goal would be for it to be too strong and, as a result, a threat to individual liberty.
32. T
33. F The Constitution called for ratification by only nine states.
34. T
35. T
36. F The argument was quite the opposite, that large coalitions tend to be moderate.
37. F A bill of rights was suggested at the Convention, but the idea was voted down.
38. T
39. T
40. F The evidence suggests that the Founders voted, more often than not, in terms of the economic interests of the states that they represented.

ANSWERS TO MULTIPLE CHOICE QUESTIONS

1. d
2. d
3. e

- 4. b
- 5. a
- 6. d
- 7. e
- 8. e
- 9. e
- 10. a
- 11. e
- 12. e
- 13. c
- 14. e
- 15. d
- 16. b
- 17. b
- 18. c
- 19. d
- 20. b
- 21. b
- 22. e
- 23. c
- 24. d
- 25. e
- 26. a
- 27. e
- 28. b
- 29. a
- 30. d
- 31. a
- 32. c
- 33. a
- 34. b
- 35. e
- 36. d
- 37. e
- 38. b

- 39. a
- 40. b
- 41. a
- 42. b
- 43. c
- 44. e
- 45. c
- 46. a
- 47. a
- 48. d
- 49. c
- 50. e
- 51. b